IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 230 /2004

PETITIONER

Smt Vibha Elwadhi, wife of Shri Hemant Kumar Elwadhi, aged about 31 years, occupation – Shikshak Karmi, Class III, Primary School, Gadhwegal, Narayanpur, District Bastar (Jagdalpur), resident of Old bus stand, Narayanpur, District Bastar (Jagdalpur), Chhattisgarh.

P. R. No. 229/04
Presented by Shri D.K. Verma
dated 20/1/04

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The Collector, District Bastar (Jagdalpur) C.G.

3. The Assistant Commissioner, Department of Tribal Welfare, Janpad Panchayat – Narayanpur, District Bastar, Jagdalpur (Chhattisgarh).

4. The Chief Executive officer, Janpad Panchayat, Narayanpur, District Bastar, Jagdalpur (Chhattisgarh)

5. The Block Education Officer, Block – Narayanpur, Distt. Bastar, Jagdalpur (C.G.)

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20/1/04
Clerk to A. G. Bilaspur

शपथ आयुक्त
20/01/04
बिलासपुर (छ.ग.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No.230/2004

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	06.02.2004 Shri A.N.Bhakta, counsel for the petitioner. Shri Akhil Agrawal, Panel Lawyer for the respondents/ State. By this Writ Petition under Article 226/227 of the Constitution of India, petitioner has challenged the order dated 23.09.2003 (Annexure P-1) issued by the Chief Executive Officer Janpad Panchayat, Narayanpur District Bastar, whereby the petitioner has been restrained from discharging/performing her duty as Shikshà Karmi Class-III in the Primary School, Gadhwegal, Narayanpur, District Bastar. Learned counsel for the petitioner submits that the petitioner was selected as Shiksha Karmi, Class-III on the contract basis and immediately after joining the post, the petitioner proceeded on maternity leave and the child was born to her on 11.02.98. Thereafter, the petitioner had undergone a major surgery and the petitioner was advised to take rest and therefore, the petitioner could not ~~be~~ she joined her duties and ultimately the petitioner joined on 25.11.2002 and Assistant Commissioner Tribal Welfare Department, Narayanpur allowed the petitioner to join the duty. However,	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश /2/	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

vide Annexure P-1, the Executive Officer Janpad Panchayat has not allowed the petitioner to join her duties.

Learned counsel for the respondents submits that the petitioner was initially appointed as contract teacher Class-III vide Annexure P-2 in the year 1997 for a period of one year and thereafter, the petitioner remained absent for more than 4 years and now she wants to remain on that post, as the original appointment is for one year, therefore, she could not be allowed.

Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondents No. 1 to 3 & 5 to which the learned counsel for respondents has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all her grievances within a period of 15 days from today to respondents No. 2 & 3 and in turn, respondents No.2 & 3 after considering all the grievances of the petitioner shall decide the representation within a period of 30 days from the date of receipt of the same in an objective manner with a reasoned order.

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मामला क्रमांक..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश / 3 /	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	The petition is disposed of accordingly. Consequently, M.W.P.No.203/2004 and I.A.No.593/2004 for urgent hearing disposed of. Certified copy as per rules Sd/- L.C.BHADOO Judge	